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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,481	10/20/2003	Gary E. Hendricks	140/41302/994	7887
279	7590	03/21/2005	EXAMINER	
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,481

Applicant(s)

HENDRICKS, GARY E.

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1203.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (US 6,471,386 B2).

Re claims 1 and 11: Oh discloses a method of adjusting a position of a reflector of a headlamp assembly and a headlamp adjuster for adjusting a position of a reflector of a headlamp assembly, said headlamp adjuster comprising: a housing (10 in fig. 2B); an expandable member (13) on the housing (10); an adjuster member (15) having a first end and a second end, said adjuster member being extendable and retractable, wherein said first end of said adjuster member (15) is engageable with the reflector of the headlamp assembly (10) and said second end of said adjuster member (15) is receivable in the expandable member (13), wherein said expandable member is configured to expand to accommodate retraction of the adjuster member.

Re claims 2, 10, 12 and 18: Oh discloses the expandable member is a bellow comprising an accordion member.

Re claims 9 and 17: Oh discloses that the headlamp adjuster is configured such that said second end of said adjuster member is engageable and pressable against an internal wall of said expandable member, thereby causing said expandable member to expand (col. 2, lines 34-46).

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Re claims 8 and 16: Oh discloses snap fitting pin 15 as a snap ring which secures the bellow to the housing (col. 3, lines 37-40).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh as applied to claims 1 and 11 above, and further in view of Asanuma et al. (US 5,927,071).

Re claim 3-4 and 13: Oh does not disclose the bellow is comprised of rubber. Asanuma teaches a rubber bellow (col. 5, line 24). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ rubber as a material for Oh's bellow as Asanuma taught because rubber is good material for absorbing the impact power from the automobile accident.

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh as applied to claims 1 and 11 above, and further in view of Fox et al. (US 6,779,835 B2).

Re claims 7 and 15; Oh does not disclose the limitation that the bellow is glued to the housing. Fox teaches the bellow (10 in Fig. 1 and Abstract) can be attached to the housing by glue. It would have been obvious to one having ordinary skill in the art at the time of the invention to attach Oh's bellow to the housing by using glue as Fox taught because glue is widely used for attaching an elastomeric material such as rubber bellow to any surface due to the fact the glue is conveniently available and easily usable.

*Allowable Subject Matter*

6. Claims 19-20 are allowed.
7. Claims 5-6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:  
With regard to claims 5-6 and 14, the prior art of record, Oh, does not disclose a headlamp adjuster, configured as claimed, wherein said housing and said bellow are molded together or molded over the bellows. With regard to claims 19-20, the prior art of record does not disclose a method of forming a headlamp adjuster comprising injecting material into a first mold cavity to form a housing of the headlamp adjuster; removing the housing from the first mold cavity; inserting the housing into a second mold cavity; injecting material into the second mold cavity to form an expandable member over a portion of the housing; and removing the housing and expandable member from the second mold cavity. Further, the prior art of record does not disclose a method of forming a headlamp adjuster comprising: injecting material into a first mold cavity to form an expandable member of the headlamp adjuster; removing the expandable member from the first mold cavity; inserting the expandable member into a second mold cavity; injecting material into the second mold cavity to form a housing of the headlamp adjuster over a portion of the expandable member; and removing the housing and expandable member from the second mold cavity.

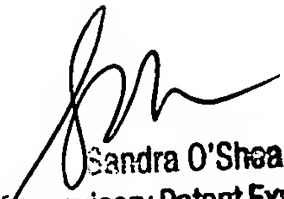
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY

  
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